

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: November 24, 2015

SUBJECT: BZA Case 19126, 1252 Columbia Road, N.W., replacement and expansion of a deck in the rear yard

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following:

- § 403, Lot Occupancy (60 percent permitted, 77 percent proposed);
- § 404, Rear Yard (20 feet required, 3 feet proposed); and
- § 406, Closed Court (350 square feet and 5-foot width required, 90 square feet and 3.8 foot width proposed)
- § 2001.3, Nonconforming Structures Devoted to Conforming Uses.

The subject property is nonconforming for building height, lot width and open court.

The applicant applied for relief from § 2300.2, Private Accessory Garages in a Residence District, requiring a minimum setback for an accessory garage building from a public alley. This section is not applicable as the proposed garage would be attached to the main dwelling, and not within an accessory building.

II. LOCATION AND SITE DESCRIPTION

Address	1252 Columbia Road, N.W.
Legal Description	Square 2853, Lot 70
Ward	1A
Lot Characteristics	Large rectangular lot with rear alley access
Zoning	R-4: row houses, flats and conversions
Existing Development	One-family row house, permitted in this zone.
Adjacent Properties	Row houses
Surrounding Neighborhood Character	Moderate density residential with a mix of row houses, flats and apartments

III. APPLICATION IN BRIEF

The applicant proposes to remove the existing first floor deck and stairs leading up from the ground to the main level of the dwelling, and replace it with a larger deck and new stairs. The larger deck would convert an existing open court into a closed court. At a height of 8 feet, 10 inches, the deck would accommodate parking for two vehicles beneath it, with a roll-up garage door to be proposed to be installed along the alley frontage.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	35-foot max.	37 feet	37 feet	None required
Lot Width § 401	18-foot min.	17.02 feet	17.02 feet	None required
Lot Area § 401	1,800 SF min.	1,930 SF	1,930 SF	None required
Lot Occupancy § 403	60% max.	65%	77%	Required
Rear Yard § 404	20-foot min.	18.5 feet	3 feet	Required
Closed Court § 406				
-width	5-foot min.	3.8 feet	3.8 feet	Required
-area	350 SF min.	N/A ¹	90 SF	Required

V. OFFICE OF PLANNING ANALYSIS

- a. **Variance Relief from § 403, Lot Occupancy**
- b. **Variance Relief from § 404, Rear Yard**

- i. **Exceptional Situation Resulting in a Practical Difficulty**

The subject property, although almost a foot narrower in width than the minimum required in the R-4 Zone, is 130 square feet larger in area than the minimum required. This larger lot area allows for a larger building footprint than would otherwise be permitted within this zone. Therefore, OP finds no exceptional situation resulting in a practical difficulty.

- ii. **No Substantial Detriment to the Public Good**

Although the proposed deck would not result in a substantial detriment to the public good, increasing the lot occupancy and decreasing the rear yard substantially would result in the overbuilding of the lot, especially as viewed from the alley, where it would result in a wall constructed only three feet off the rear lot line.

- iii. **No Substantial Harm to the Zoning Regulations**

The proposal would almost completely eliminate the rear yard. The combination of 77 percent lot occupancy and a rear yard reduced to a depth of three feet would result in a rear yard that cannot be used for anything other than vehicular access to the garage.

¹ Proposed closed court currently exists as an open court.

c. Variance Relief from § 406, Closed Courts

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is improved with a nonconforming open court proposed to be converted to a closed court. The court area and width exist and cannot be expanded without demolishing the building.

ii. No Substantial Detriment to the Public Good

The existing court width and area would not change, and would be only minimally visible to the public.

iii. No Substantial Harm to the Zoning Regulations

Although the court area and width would not change, this court is proposed to be converted from one that is open to one that is closed through the construction of the proposed deck.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT, in a memorandum dated October 26, 2015, indicated that it had no objections to the request.

No comments were received from other District agencies.

VII. COMMUNITY COMMENTS

ANC 1A, at its regularly scheduled meeting of November 12, 2015, voted to support the application.

Seven letters in support of the application from community residents were submitted to the application.

